

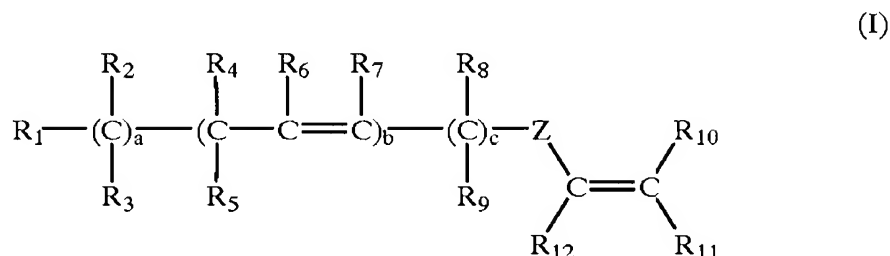
REMARKS/ARGUMENTS

Applicants would like to thank Examiner Pepitone for the helpful and courteous interview held January 20, 2010. The following remarks summarize the discussion held during the interview.

Claims 13, 15-16, 21-23, 26 and 28 are directed to polymer composition comprising a polymer (P1) and a co-oligomer (O1). Polymer (P1) and co-oligomer (O1) must be different from one another, and in addition must have different molecular weights - the number-average molar mass of the polymer (P1) must be greater than 30,000 and the number-average molar mass of the co-oligomer (O1) must be less than or equal to 30,000. In Claim 13 co-oligomer (O1) requires the presence of component (B) carrying at least one phosphonate group  $\text{-PO(OH)(OR}_1\text{)}$  with  $\text{R}_1$  being a hydrogen atom or an alkyl radical containing from 1 to 11 carbon atoms.

The Office has maintained the rejection of these claims over Padget and Denk (U.S. 2,971,948), and has included new Claims 44 and 45 in this rejection. However, and as explained at the interview, Denk would not be considered as relating to vinylidene chloride-based materials by one of ordinary skill in the art. While Padget certainly does, Denk relates first and foremost to vinyl chloride materials, with the possible optional presence of vinylidene chloride listed as one in a list of numerous possible optional monomers (col. 1, lines 15-17 and line 66 - col. 2, line 1 of Denk). As provided in paragraph 3 of the Bodart Declaration, already of record and constituting strong evidence herein not contradicted by anything else of record, one of ordinary skill in the art would *not* look to Denk in order to modify Padget. Nor is there anything in the combination of Padget and Denk to suggest the present combination of a polymer (P1) and a co-oligomer (O1) where the number-average molar mass of polymer (P1) must be greater than 30,000 and the number-average molar mass of co-oligomer (O1) must be less than or equal to 30,000.

With regard to present Claims 36-43, the Examiner cites Padget in view of Thames. As discussed at the interview, while the Office has focused on the internally *plasticizing* comonomers of Padget, the monomer of Thames requires the presence of an internal unsaturation (note that “b” must be one or two in formula (I) of Thames):



See column 6, lines 25-26 thereof. Thames correctly characterizes this monomer has *crosslinkable* (see column 5, lines 12-13 thereof), which is the *opposite* of plasticizing. As supported by the Declaration of Vincent Bodart, already of record (see, e.g., para. 4 therein), there is no relationship between the internally plasticizing comonomers of Padget and the internally *crosslinkable* monomers of Thames, either in function or effect.

Finally, during the interview the rejection of Claims 36-43 and 46-47 over Padget in view of Behr was discussed. While Behr describes fluorinated monomers, one must look to col. 6, lines 12-38 to find other monomers copolymerizable therewith, and only then, at line 32, is vinylidene chloride mentioned as one in an extensive laundry list of possible monomers. Notably, vinylidene chloride does not fall within the general categories of polyacrylates, polyesters, polyurethanes, polyamides and polyvinyl ethers discussed at col. 6, lines 12-14 of Behr. In this regard, and as with the combination of Padget and Denk, one of ordinary skill in the art would *not* look to Behr in order to modify Padget, nor is there

anything in the combination of Padget and Behr to suggest the present combination of a polymer (P1) and a co-oligomer (O1) where the number-average molar mass of polymer (P1) must be greater than 30,000 and the number-average molar mass of co-oligomer (O1) must be less than or equal to 30,000.

Accordingly, and in view of the discussion held during the interview and the amendments and remarks filed January 19, 2010, Applicants respectfully request the reconsideration and withdrawal of the outstanding rejections and the passage of this case to Issue.

Respectfully submitted,

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